

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MIMEDX GROUP, INC.,)	
)	
Plaintiff/Counterclaim Defendant,)	
)	
v.)	CIVIL ACTION FILE NO.
)	1:17-cv-00399-LMM
)	
LUKE TORNQUIST,)	
)	
Defendant/Counterclaim Plaintiff,)	
)	
v.)	
)	
PARKER H. PETIT,)	
)	
<u>Counterclaim Defendant.</u>)	

**DEFENDANT/COUNTERCLAIM PLAINTIFF LUKE TORNQUIST'S
NOTICE OF 30(b)(6) DEPOSITION**

Please take notice that on September 26, 2018, beginning at 10:00 a.m., Defendant/Counterclaim Plaintiff's counsel will take the deposition of the individual designated to testify on the topics identified in Attachment A to this Notice. The deposition will be taken at the offices of Wargo & French, LLP, 999 Peachtree Street, NE, 26th Floor, Atlanta, Georgia 30309 upon oral examination pursuant to Federal Rules of Civil Procedure 30 and 45. The deposition will be taken by Defendant/Counterclaim Plaintiff's counsel before an officer duly

authorized by law to take depositions. The deposition will be taken by stenographic means and/or videotape. The deposition will continue from day to day until its completion. You may attend and examine.

This 17th day of August, 2018.

BUCKLEY BEAL, LLP

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Counsel for Defendant/Counterclaim Plaintiff

Luke Tornquist

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PARKER H. PETIT,)	
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Counterclaim Defendant.)	

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2018, the foregoing was sent by electronic mail to the following:

Joseph Duane Wargo (jwargo@wargofrench.com)
Shanon J. McGinnis (smcginnis@wargofrench.com)
David M. Pernini (dpernini@wargofrench.com)
Heather N. Fugitt (hfugitt@wargofrench.com)

BUCKLEY BEAL, LLP

By: s/ Thomas J. Mew
Georgia Bar No. 503447

ATTACHMENT A

(1) The process through which MiMedx discovered the alleged breaches or misconduct by Mr. Tornquist for which MiMedx contends it terminated Mr.

Tornquist including:

- (a) The date on which any investigation or inquiry began;
- (b) The basis for initiating the investigation or inquiry;
- (c) All individuals who had any role in conducting the investigation or inquiry and the nature of their involvement;
- (d) All documents (in any form) consulted, examined, or reviewed as part of the inquiry and the processes by which such documents were obtained;
- (e) All individuals interviewed or questioned as part of the investigation or inquiry, the basis for selecting these individuals, and the information obtained from these individuals.

2. All investigations or inquiries concerning employee sales of non-MiMedx products that MiMedx conducted or directed from September 2016 to present including:

- (a) The dates of any such investigations or inquiries;
- (b) The identities of all employees investigated;

(c) All individuals who had any role in conducting the investigations or inquiries and the nature of their involvement;

(d) All documents (in any form) consulted, examined, or reviewed as part of the investigations or inquiries and the processes by which such documents were obtained;

(e) All individuals interviewed or questioned as part of the investigations or inquiries, the basis for selecting these individuals, and the information obtained from these individuals;

(f) The outcomes of such investigations or inquiries including any disciplinary action imposed.

3. All investigations or inquiries conducted by MiMedx in response to the issues raised in the November 2, 2016 email from Jess Kruchoski and Luke Tornquist to Pete Petite, Bill Taylor, Kevin Lilly, Lexi Hayden, and Chris Cashman (attached hereto as Ex. 1) including:

(a) The dates of any such investigations or inquiries;

(b) All individuals who had any role in conducting the investigations or inquiries and the nature of their involvement;

(c) All documents (in any form) consulted, examined, or reviewed as part of the investigations or inquiries;

(d) All individuals interviewed or questioned as part of the investigations or inquiries, the basis for selecting these individuals, and the information obtained from these individuals;

(e) The outcomes of such investigations or inquiries;

(f) Any reports or findings from such investigations or inquiries.

4. MiMedx's accounting practices including:

(a) The manner in which MiMedx recognizes revenue for sales or distributions including both consignment and non-consignment inventory;

(b) The manner in which returned product is accounted for including customer credits, write offs, and designation of returns as "non financial" returns;

(c) All internal controls concerning shipping, receiving, allowances, and customer credits;

(d) The process by which distributors place bulk or standing orders and the filling and shipping of same;

(e) Accounting reconciliations with respect to AvKARE;

(f) Accounting reconciliations with respect to CPM;

(g) The process undertaken to determine whether information contained in financial statements is accurately stated;

(h) The identity of all external auditors used by MiMedx from January 1, 2014 to date and the basis for any change in auditor;

(i) Reports received from all external auditors from January 1, 2014 to date;

(j) The process by which data contained in MiMedx's shipping and receiving systems is transferred or communicated to accounting;

(k) Any internal investigations or inquiries into MiMedx's accounting practices from January 1, 2014 to date including all parties involved and the results of any such investigation or inquiry;

(l) The manner in which MiMedx handles outstanding receivables, including any process or procedure with respect to write offs and doubtful accounts.